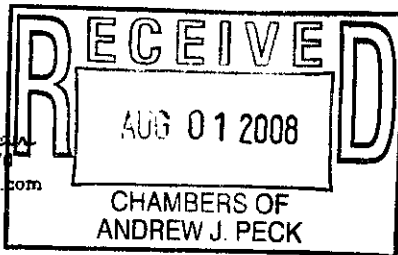


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August 1, 2008

Via Facsimile

Andrew J. Peck, U.S.M.J.
U.S. District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York City, NY 10007-1312

Re: Dionne Lee v. Bawuah & Cowan Systems, LLC
Civil Action No. 07-cv-9917
Our File No.: 801840

BY FAX

MEMO ENDORSED 8/4/08

*Dr. Head can be called out of
turn on Thursday afternoon.*

SOC ORDERED:

Hon. Andrew J. Peck
United States Magistrate Judge

Dear Judge Peck:

We herein write to Your Honor regarding an issue which has arisen with respect to the trial scheduled to begin on Wednesday, August 6, 2008.

Specifically, yesterday, my office spoke with counsel for plaintiff and requested permission to call defense neuro expert, Dr. Head, Thursday afternoon if plaintiff has not rested his case due to a scheduling problem. Counsel gave his consent. We confirmed that consent by letter sent via facsimile and email, with a carbon copy sent to Your Honor via regular mail (a copy of the letter is attached hereto for Your convenience).

Interestingly, this morning, I received a call to my cell phone from counsel for plaintiff. He indicated, without reason, that he could not consent to our request to possibly call the defense neuro expert out of turn. Counsel denied receiving our letter via facsimile and/or email. We also note, that counsel has denied receiving documents in the past sent via facsimile and email, one time blaming an email address change. However, all changes to the proposed joint pre-trial submissions were made between counsel via email without issue. We also find counsel's change of heart interesting as counsel conveniently called the day after the letter was sent and never denied speaking to our office the day before. We believe that counsel's current actions are unprofessional and inappropriate.

Accordingly, we herein ask the Your Honor's permission to call defense neuro expert, Dr. Head, out of turn, or in the alternative, a conference to discuss an alternative schedule.

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PHILADELPHIA, PA PITTSBURGH, PA HARRISBURG, PA MEDIA, PA MARLTON, NJ NEW YORK, NY WILMINGTON, DE WHEELING, WV

RAWLE & HENDERSON LLP

August 1, 2008
Page 2

Thank you in advance for your courtesy and attention to this matter.

Respectfully submitted,

RAWLE & HENDERSON LLP

By:


Jeffrey A. Segal

JAS/

cc: Winston B. Rouse, Esquire (w/enc.) – via facsimile & regular mail

RAWLE & HENDERSON LLP



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July 31, 2008

VIA FAX TO: (718) 588-8958

and VIA e-mail

Winston B. Rouse, Esquire
901 Sheridan Avenue
Bronx, NY 10451

Re: Dionne Lee v. Bawuah & Cowan Systems, LLC
Civil Action No. 07-cv-9917
Our File No.: 801840

Dear Mr. Rouse:

This will confirm our telephone conversation in which you agreed to allow Defendant's medical expert, Dr. William B. Head, to testify out of turn on Thursday afternoon at 2:00 p.m. regardless of whether you have rested your case.

Thank you for your courtesy.

Very truly yours,

RAWLE & HENDERSON LLP

By:

Jeffrey A. Segal

JAS/CAC

cc: The Honorable Judge Andrew J. Peck

2494257-1

PHILADELPHIA, PA PITTSBURGH, PA HARRISBURG, PA MEDIA, PA MARLTON, NJ NEW YORK, NY WILMINGTON, DE WHEELING, WV

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: August 4, 2008

Total Number of Pages: 4

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Robert Osuna, Esq.	212-233-1014
Walter Benson, Esq.	315-685-1047
Jeffrey A. Segal, Esq.	212-858-7750

TRANSCRIPTION:

MEMO ENDORSED 8/4/08

Dr. Head can be called out of order on Thursday afternoon.